

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

CITY OF ANN ARBOR EMPLOYEES')
RETIREMENT SYSTEM, on Behalf of)
Itself and All Others Similarly Situated,)

Plaintiff,)

v.)

SONOCO PRODUCTS CO., HARRIS E.)
DELOACH JR., and CHARLES J.)
HUPFER,)

Defendants.)

CASE NO: 4:08-cv-2348-TLW-SVH

**DEFENDANTS' MOTION TO EXCLUDE THE OPINIONS AND TESTIMONY OF
PLAINTIFF'S EXPERT**

Defendants move to exclude the opinions and testimony of John D. Finnerty, Ph.D. ("Finnerty") proffered by Plaintiff on loss causation and damages because Finnerty's reasoning and methodology fail to comply with the evidentiary standards set forth in Fed. R. Evid. 702 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). In support of this Motion, Defendants rely on the reasons set forth in the accompanying Memorandum of Law.

WHEREFORE, Defendants respectfully request that the Court grant their Motion and exclude from summary judgment and trial Finnerty's opinions and testimony as to loss causation and damages.

Respectfully submitted, this 31st day of January, 2011.

/s/ Robert Y. Knowlton

William C. Boyd – D.S.C. No. 1432
Manton M. Grier – D.S.C. No. 2461
Robert Y. Knowlton – D.S.C. No. 2380
HAYNSWORTH SINKLER BOYD, P.A.
1201 Main Street, Suite 2200 (29201)

Post Office Box 11889 (29211)
Columbia, South Carolina
(803) 779.3080

Todd R. David – Ga. Bar No. 206526
John A. Jordak, Jr. – Ga. Bar No. 404250
Lisa R. Bugni – Ga. Bar No. 143077
ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309
(404) 881.7000

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day, I served a true and correct copy of the within and foregoing DEFENDANTS' MOTION TO EXCLUDE THE TESTIMONY OF PLAINTIFF'S EXPERT upon the following counsel of record as follows:

William E. Hopkins, Jr.
BEASLEY ALLEN PC
1122 Lady Street
Suite 1010
Columbia, South Carolina 29201

By CM/ECF

Samuel H. Rudman
David A. Rosenfeld
Mario Alba Jr.
ROBBINS GELLER RUDMAN & DOWD LLP
58 South Service Road, Suite 200
Melville, New York 11747

By CM/ECF

Jack Reise
Michael Greenwald
Stephen Astley
ROBBINS GELLER RUDMAN & DOWD LLP
120 East Palmetto Park Road, Suite 500
Boca Raton, Florida 33432

By CM/ECF

This 31st day of January, 2011.

/s/ Robert Y. Knowlton
Robert Y. Knowlton – D.S.C. No. 2380